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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the thirty-fifth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to General Assembly resolution 57/124.

* A/58/150.

** The present report is being submitted on 15 August 2003 so as to include as much updated information as possible.

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Summary

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories is composed of three Member States: Sri Lanka (Chairman), Malaysia and Senegal.

The present annual report to the General Assembly reflects the summary of information gathered during the mission of the Special Committee to Egypt, Jordan and the Syrian Arab Republic from 13 to 24 June 2003. In Egypt, Jordan and the Syrian Arab Republic, the Special Committee met with or had telephone interviews with a total of 31 witnesses and NGO representatives, including representatives of Israeli NGOs.

Section IV of the report, summarizing the human rights situation in the occupied territories, focuses on issues of particular concern in the light of the testimonies and material received: the right of self-determination; the right to liberty of movement; the right to an adequate standard of living, including adequate food, clothing and housing; the right to just and favourable conditions of work; the right to education; the right to health; the right to liberty and security of person; the rights to freedom of opinion and of association; and the right to life.

According to information received, the human rights situation in the Occupied Palestinian Territory has drastically deteriorated since Israel's military incursions. Witnesses appearing before the Committee have provided detailed testimony and information referring to dramatic circumstances under which Palestinian citizens have been living during the period under review. Their reports present a grim picture: 60 per cent of the Palestinian population is living under the poverty line. Despite some hopes generated by the launching of the road map, in early June 2003, the construction by the Israelis of a separation wall, which does not respect the "Green Line" of 1967, is perceived by the Palestinians as an annexation of important parts of their homeland.

During its visit to Damascus, the Special Committee received information from the Syrian authorities and met with a number of individuals who are originally from the occupied Syrian Arab Golan. The report from the Ministry of Foreign Affairs of the Syrian Arab Republic on Israeli practices affecting the human rights of Syrian citizens in the occupied Syrian Arab Golan is attached to the present report. According to the information received, the consequences of the long-term occupation of the Golan have been extensive, affecting all aspects of the life of families, villages and communities.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established by the General Assembly by its resolution 2443 (XXIII).

2. The Special Committee is composed of three Member States: Malaysia (represented by the Permanent Representative of Malaysia to the United Nations, Rastam Mohd. Isa), Senegal (represented by the Permanent Representative of Senegal to the United Nations Office at Geneva, Ousmane Camara) and Sri Lanka (represented by the Permanent Representative of Sri Lanka to the United Nations, C. Mahendran, serving as Chairperson).

3. The Special Committee reports to the Secretary-General. The reports of the Special Committee are considered in the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly.

II. Mandate

A. General background

4. In its resolution 2443 (XXIII), the General Assembly decided to establish the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, composed of three Member States.

5. In its resolution 44/48 A, the General Assembly decided to change the name of the Special Committee to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

6. The mandate of the Special Committee, as set out in resolution 2443 (XXIII) and subsequent resolutions, was to investigate Israeli practices affecting the human rights of the population of the occupied territories.

7. The Special Committee has proceeded on the basis that:

(a) For the purposes of the present report, the territories considered occupied territories are those remaining under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank, including East Jerusalem, and the Gaza Strip;

(b) The persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee were the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally resident in the areas that were under occupation but who had left those areas because of the hostilities;

(c) The "human rights" of the population of the occupied territories consist of two elements, namely, those rights which the Security Council referred to as "essential and inalienable human rights" in its resolution 237 (1967) of 14 June 1967 and, secondly, those rights which found their basis in the protection afforded by international law, in particular such circumstances as military occupation and, in the case of prisoners of war, capture. In accordance with General Assembly resolution 3005 (XXVII), the Special Committee was required to investigate

allegations concerning the exploitation and the looting of the resources of the occupied territories, the pillaging of the archaeological and cultural heritage of the occupied territories and interference in the freedom of worship in the holy places of the occupied territories;

(d) The "policies" and "practices" affecting human rights that come within the scope of investigation by the Special Committee refer, in the case of "policies", to any course of action consciously adopted and pursued by the Government of Israel as part of its declared or undeclared intent; while "practices" refers to those actions which, irrespective of whether or not they were in implementation of a policy, reflect a pattern of behaviour on the part of the Israeli authorities towards the civilian population in the occupied areas;

(e) The geographical names and the terminology employed in the present report reflect the usage in the original source and do not imply the expression of any opinion whatsoever on the part of the Special Committee or the Secretariat of the United Nations.

8. The Special Committee has, in determining human rights standards and obligations, relied principally on the following:

(a) The Charter of the United Nations;

(b) The Universal Declaration of Human Rights (General Assembly resolution 217 A (III));

(c) The International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI));

(d) The International Covenant on Economic, Social and Cultural Rights, of 16 December 1966 (General Assembly resolution 2200 A (XXI));

(e) The (Fourth) Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;[1]

(f) The Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949;[2]

(g) The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954;[3]

(h) The Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land.[4]

9. The Special Committee has also relied on those resolutions relevant to the situation of civilians in the occupied territories adopted by United Nations organs — the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights.

B. General Assembly resolution 57/124

10. The General Assembly, in its resolution 57/124:

> "...
>
> "5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices

in the Occupied Palestinian Territory, including East Jerusalem and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

"6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

"7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

"..."

C. Report of the Special Committee

11. The present report for the year 2003 is submitted pursuant to General Assembly resolution 57/124. Due to the restrictions imposed on the elaboration of reports to the General Assembly, the Special Committee gave up the submitting of periodic reports.

III. Organization of work

A. Meetings held by the Special Committee

12. The Special Committee met in Geneva from 10 to 12 June 2003 with the Permanent Representatives of Egypt and Jordan, as well as with the Chargé d'affaires of the Syrian Arab Republic. A similar invitation had been extended to the Permanent Representative of Israel who did not reply to it. The Special Committee had also exchanges of views with the Permanent Observers of the League of Arab States and the Organization of the Islamic Conference. It was unfortunately not in a position to meet with the Permanent Observer of Palestine, who was away from Geneva at that time. The Committee had also meetings with representatives of the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross. Finally, it discussed the situation of human rights in the occupied territories with representatives of Amnesty International, Human Rights Watch and the International Federation of Human Rights. These meetings proved to be privileged opportunities for the Special Committee to become acquainted with the latest developments in the occupied territories.

13. Since its establishment in 1968, the Special Committee has never been allowed to visit the occupied territories. As in previous years, in a letter addressed to the Permanent Representative of Israel to the United Nations Office at Geneva, copied

to the Secretary-General, the Special Committee requested that it be given access to the occupied territories. No reply was made to the letter.

14. This year, the Special Committee convened in Cairo from 14 to 16 June, in Amman from 18 to 20 June, and in Damascus from 21 to 23 June 2003 with a view to meeting with and hearing statements from persons with a direct and personal knowledge of the occupied territories. The Special Committee wishes to express its deep appreciation for the cooperation and support it received from the Governments of Egypt, Jordan and the Syrian Arab Republic, as well as from related United Nations Development Programme offices in the area. In Cairo, the Special Committee met with the Minister for Foreign Affairs of Egypt and the Secretary-General of the League of Arab States. The Committee also received statements under oath of witnesses of East Jerusalem, the West Bank and Gaza. In Amman, the Special Committee met with the Minister for Foreign Affairs of Jordan and also received the testimony of persons from Jerusalem, the West Bank and Gaza.

15. In Damascus, the Special Committee met with the Deputy Prime Minister for Foreign Affairs and received a statement from the Ministry of Foreign Affairs. The Special Committee visited Quneitra Province, bordering the occupied Golan, and met with the Governor of Quneitra. He also collected statements under oath in Quneitra of three witnesses with direct knowledge of the occupied Syrian Arab Golan.

16. A total of 31 witnesses, including a number of Israeli Arab and Jewish witnesses, out of an aggregate of 41 scheduled witnesses whose attendance had previously been confirmed, were heard by the Special Committee. Among the witnesses, three of them testified on the telephone since severe restrictions of movement to go out of the occupied territories and last minute difficulties to enter Egypt or Jordan prevented them to travel and appear before the Committee (a list of NGOs that testified before the Special Committee is contained in annex I). The Committee wishes to wholeheartedly thank all NGO representatives who were finally able to appear before it after hours and hours of exhausting journey through numerous checkpoints, roadblocks, side roads and again hours of waiting at country borders, especially at the Allenby Bridge. The Committee also wishes to express its particular appreciation to representatives of Israeli NGOs, who testified with great courage about the hardships experienced by Palestinian and other Arab persons. It should also be noted that while the Special Committee was in the region, there were tangible signs of renewed tension in the occupied territories, in the aftermath of several incidents which took place in the occupied territories on 12 June, which killed at least 28 people, when Israeli forces targeted various leaders of the Hamas movement through attacks carried out from helicopters. In addition, the launching of the road map on 4 June 2003 and the trip to the region of United States Foreign Secretary of State, Colin Powell, which immediately followed the trip of the Special Committee to Amman, proved to be a point of departure in an already complex constellation of local, regional and international factors.

17. This year, the documentation and other material at hand of the Special Committee included the following:

(a) Statements and other material provided by persons knowledgeable about the occupied territories;

(b) Testimony provided under oath and recorded by United Nations verbatim reporters. This material is available for consultation;

(c) Various publications or yearly reports submitted by international non-governmental organizations, such as Amnesty International, Human Rights Watch and the International Federation of Human Rights, as well as by Palestinian and Israeli non-governmental organizations;

(d) Statements received from the Government of the Syrian Arab Republic and the Governor of Quneitra;

(e) Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2003/30);

(f) Reports of thematic special rapporteurs submitted to the fifty-ninth session of the Commission on Human Rights in relation to extrajudicial or summary executions (E/CN.4/2003/3); arbitrary detention (E/CN.4/2003/8); torture (E/CN.4/2003/68); enforced or involuntary disappearances (E/CN.4/2003/71); freedom of opinion and expression (E/CN.4/2003/67); human rights defenders (E/CN.4/2003/104); adequate housing (E/CN.4/2003/5); right to food (E/CN.4/2003/54); extreme poverty (E/CN.4/2003/52); internally displaced persons (E/CN.4/2003/86); violence against women (E/CN.4/2003/74); and children in armed conflict (E/CN.4/2003/77);

(g) Reports of various United Nations bodies, such as UNICEF, the ILO and such intergovernmental organizations as the World Bank.

B. Cooperation with other United Nations bodies and the media

18. The Special Committee wishes to record with appreciation the most helpful cooperation extended to the Special Committee by the offices of the United Nations resident coordinators for Egypt, Jordan and the Syrian Arab Republic. While in Cairo, the Special Committee benefited from broad and vivid media coverage organized by the Director of the United Nations information centre, who managed to attract at least 30 journalists, including 12 young women. In addition, the Special Committee was also appreciative of the meeting it had in Damascus with the heads of various United Nations bodies, such as the United Nations Relief and Works Agency for Palestine Refugees in the Near East, UNICEF, UNHCR, the Food and Agriculture Organization of the United Nations, the World Food Programme and the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat which allowed it to have a thorough overview of the deterioration of the situation in the occupied territories. The Chairman of the Special Committee was interviewed by a senior journalist of Syrian TV and had an opportunity to meet with some representatives of the Syrian press.

C. Orientation and contents of the Special Committee's report

19. The Special Committee wishes to emphasize that, although it was again this year denied access to the occupied territories and direct observation of the living conditions of the Palestinians and other Arabs of these territories and it could not consult the representatives of the occupying authority, it nevertheless collected

ample evidence of the seriously deteriorating overall situation in the occupied territories, affecting the daily lives of the Palestinians and other Arabs.

20. Despite these limitations, the Special Committee has tried to convey in the present report to the General Assembly its main views on what it understood of the conditions affecting the human rights situation in the occupied territories. The report is an attempt by the Special Committee to explain concisely the extent to which decades of occupation in Palestine have gradually pervaded all aspects of life of the Palestinians and other Arabs and entailed mass violations of economic, social and cultural rights, as well as of civil and political rights.

21. During the second Intifada, a rare peak of anger, frustration, violence and despair was expressed by the Palestinians and other Arabs in the occupied territories, which left the international community helpless for a long time. The road map, as enunciated by the Quartet (United States, European Union, Russian Federation and United Nations), in pushing forward a peace plan to settle the Palestinian-Israeli dispute, has given hope and is likely to bring about a qualitative difference in the human rights situation in the Gaza, West Bank, and perhaps the Syrian Golan.

22. The Committee Members must necessarily observe the new development that the recent meetings of Prime Minister Mahmoud Abbas of the Palestine Authority and Prime Minister Ariel Sharon of Israel, engaging in a dialogue and attempting to take meaningful steps in minimizing violent confrontations, may, perhaps lead to an immediate alleviation of the suffering of the Palestine people and perhaps, at a later stage, of the Syrian people in the occupied Golan. The steps taken to date are tentative, but as the Chinese proverb observes, "a journey of ten thousand miles begins with a single step". So it is with the human rights situation of the Palestinians in the occupied territories. Under the terms of the international peace plan, Israel has begun withdrawing from what, under the Oslo Peace Accords, were Palestine-controlled areas of Gaza and Bethlehem. Maybe we are beginning to see a change from which both sides benefit.

23. Secretary-General Kofi Annan, in his statement to the International Conference of Civil Society in support of the Palestinian people, called for a just and comprehensive solution, which alone will bring security and prosperity to both peoples and indeed to the whole region.

IV. Human rights situation in the occupied territories

24. This section of the report is particularly inspired from the voluminous information made available to the Special Committee during oral testimonies and from other documentation submitted by United Nations bodies and non-governmental organizations. A record of oral testimonies set up by United Nations verbatim reporters is also available for consultation.

25. The present section focuses on the basic human rights of which Palestinians and other Arabs of the Occupied Palestinian Territory are partially or totally deprived. They are listed in a way that reflects the serious concern expressed by the witnesses who testified before the Special Committee.

A. Right of self-determination

26. Most of the witnesses explained at length that the main problem currently faced by the Palestinians and other Arabs living in the occupied territories was the increased military occupation of their homeland by Israeli forces. That fact had been further aggravated during the last 12 months by the erection of a separation wall, designated by the Palestinians as the "Wall of Apartheid". So far, according to UNICEF statistics, 190 km of electric and barbed-wire fence have been constructed in the north-west of the West Bank out of a total projected length of 650 km. Since July 2003, the second phase of the work has accelerated on a 24-hour basis. The separation wall is not following the "Green Line" of 1967 but cuts through parts of the West Bank, separating about 95,000 Palestinians residing in 27 towns and villages from the remaining West Bank. It is estimated that about 200,000 inhabitants of the West Bank in more than 65 towns and villages will be directly affected. The presence of the wall creates loops, cutting off whole towns from their surroundings, as in Tulquarem. Access to safe drinking water will be disrupted and farmland destroyed, threatening the livelihoods of tens of thousands of Palestinians and damaging a wide spectrum of economic flows and social and educational services. It is expected that an estimated 100,000 dunums of the West Bank's most fertile agricultural land, confiscated by the Israeli Occupation Forces, have been destroyed during the first phase of the wall construction, which involves the disappearance of vast amounts of property, notably private agricultural land and olive trees, wells, citrus groves and hothouses upon which tens of thousands of Palestinians rely upon for their survival. In addition, further agricultural land adjacent to the wall has been allegedly declared off limits to Palestinians, rendering it useless.

27. A number of human rights NGOs have already received numerous complaints from inhabitants of villages in the northern region of Qalqilia, who will have to walk or drive 20 additional kilometres to cultivate their lands or send their children to school. Teachers will need special travel security authorizations to join the schools. In the southern part of the Occupied Palestinian Territory, Jewish settlements will benefit from the presence of the wall at the expense of Palestinian inhabitants. Inside Israel, public opinion is not aware of the disastrous effects of the wall and its overall consequences in the near future on the minds and the daily lives of the Palestinians. Parts of the wall which are even higher than the former Berlin Wall will be equipped with military control towers, protected by mine fields in some areas.

28. Article 53 of the Fourth Geneva Convention prohibits the destruction of real or personal property "except where such destruction is rendered absolutely necessary by military operations". The official commentary to the Convention interprets the stated exception in article 53 to mean that the occupying forces may therefore undertake the total or partial destruction of certain private or public property in the occupied territory when imperative military requirements so demand.

29. Witnesses have questioned the military necessity of the wall when Israeli forces already control the main Palestinian towns through checkpoints, closures and curfews. The political implications of the wall are far-reaching, because although it is called a security fence, the Palestinians fear that the wall will become the border and that Israel will thereafter claim this line and not the Green Line as the border between Israel and Palestine. The witnesses strongly opposed the creation of the

wall because it meant that the Occupying Authority would unilaterally impose the border between Israel and a Palestinian state and that, ultimately, East Jerusalem would be permanently annexed to Israel.

30. Moreover, the consequences of the erection of the wall will not be the same for Jewish residents of the occupied territories and Palestinians or other Arabs. Jewish residents will have easy access through the wall to Israel, whereas non-Jewish residents will be kept out. Israeli citizens will be able to cross the wall into the Occupied Palestinian Territory at will, whereas Arabs from the Occupied Palestinian Territory will be denied such access. Today, Israeli settlers may freely enter into Gaza and leave it, but Arabs, both from Gaza and East Jerusalem, the West Bank or Israel, need special security clearance to do so.

31. According to other Palestinian sources, the wall will reportedly gradually annex about 55 per cent of the West Bank, its central, western and eastern sides, including the Jordan Valley, as well as major water locations. It will enclose and isolate the Palestinian populations in cantons and enclave on 45 per cent of the West Bank. It will also serve to physically and functionally sever the northern and southern West Bank. The wall is allegedly supposed to include 98 per cent of the Jewish settlements and up to 440,000 Palestinians, about half of whom do not benefit from Israel residency. The wall is undermining prospects for a modern, self-sufficient Palestinian economy by cutting East Jerusalem, the future capital and economic centre of the Palestinian state, from key agricultural or industrial and commercial locations such as Qalqilya and Tulkarem.

32. What the international community is therefore witnessing is large portions of Palestinian territories gradually being annexed to Israel and the appearance of about 50 isolated pockets and islands within the Occupied Palestinian Territory, disrupting the territorial integrity of the lands that make up Palestine. The Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory, at a United Nations seminar on assistance to the Palestinian People held in Geneva on 15 and 16 July 2003, questioned the silence of the international community on the erection of the wall and used the word "conquest" to qualify the attitude of the Israeli towards the wall.

33. The launching of the road map on 4 June 2003 has no doubt generated in the Arab region reasonable hopes, but a number of concerns were shared with the members of the Special Committee while on mission. At this stage, it is not expected that the Quartet will take any steps to remind Israel of its international obligations regarding the occupied territories.

B. Right to liberty of movement and freedom to choose residence

34. Among the consequences of increased military occupation of the Occupied Palestinian Territory, the drastic restrictions to the right to liberty of movement and freedom to choose residence should be mentioned. Due to closures of roads, local curfews and the multiplication of check points, thousands of ordinary Palestinian citizens are prevented from going to work, cultivating their fields or sending their children to school. About 140 permanent checkpoints operate in the West Bank, and 25 to 30 others only in the Gaza Strip. They supplement those which are established and moved on a daily basis throughout the Occupied Palestinian Territory. External

closures include closures or restricted access through all border exits. Palestinians are trying to use alternative side roads, which are regularly destroyed by bulldozers.

35. For alleged security reasons, young Palestinians under 35 years no longer receive visas to travel abroad or even to move from one city of the Occupied Palestinian Territory to another. Hospital gates are often blocked by tanks preventing doctors and nurses from entering the premises. An increasing number of ambulances are made to wait for hours at the checkpoints, even when they transport injured or old ill people in need of urgent treatment. It is also reported that a number of expecting mothers could not reach the nearest hospital in time and gave birth at checkpoints under disastrous hygienic conditions. Many secondary school students failed to reach the examination centres in time for their yearly exams in June, as they had to cross many checkpoints and travel roundabout routes. About 200 taxis and sometimes even ambulances are hired to transport students. Taxi drivers are imposed considerable fines for using roads forbidden to public. It is difficult to provide precise statistics on the number of students concerned, but in one instance a group of 23 students was involved. Some of these students may have authorized access to their schools one day and be denied access the next, causing them to repeat the full curriculum the following year.

36. Numerous Muslims and Christians are being prevented from practising their faith due to the number of road impediments and checkpoints to be crossed. Often the places of worship in some areas are surrounded by tanks. In addition, people under the age of 40 are not allowed to pray at the Al Aqsa mosque on Fridays.

37. In Ramallah, children and youth were intimidated or arrested on their way to school by military personnel. A boy of 15 years of age was beaten up before being thrown into a garbage container and was later rescued by passing people. At the checkpoint of Somda, after an altercation, a witness heard a bullet passing close to his ear and discovered that a man had been severely injured in the head. The witness, with some assistance, after failing to hail a taxi managed to carry the injured man unconscious across the checkpoint and transport him to a hospital in Bethlehem, where he finally succumbed 40 days later. As on many other similar occasions, the witness and his helpers served as human shields to bring injured people to the hospital, under Israeli soldiers' imprecations.

38. It also happens that Israeli forces accept transporting severely injured Palestinians, after incidents, to Israeli hospitals which demand prohibitive prices (US$ 400 per day) for medical treatment. Injured Palestinians must immediately pay the sum to receive further treatment in the hospital. Ambushes on local roads often prevent ambulances bringing all injured people to hospital or sending them to Egypt or Jordan. Due to the congestion at checkpoints, hundreds of people are forced to wait at Egyptian or Jordanian borders, as well as at the Allenby Bridge.

39. In Jerusalem, the siege around the city is continuous. Palestinians are prevented from going to Gaza or other places of the West Bank. Checkpoints reflect prevailing tensions: when they are heavily guarded, less people are inclined to wait and cross. If the army is not in view, long queues of people gather around checkpoints, sometimes causing disorders. Witnesses reported that every week, they receive hundreds of complaints from Palestinians beaten at checkpoints, sometimes for hours.

40. In Jerusalem, tens of thousands of Palestinian families live in the city without residence permits, since they fled and returned after the 1967 war. Women are particularly affected by this situation since they have to queue long hours in the street before being able to solve their administrative problems while men are at work. The absence of a residence permit deprives these families from regular health and social services and prevents children from attending public Israeli schools. Since 2002, in the aftermath of the Minister of Interior decision not to proceed any longer with family reunification requests, only 5 per cent of Palestinians have received permits. The security argument is invoked by the Israeli authorities to prevent family reunification.

41. A Palestinian woman from Bethlehem wishing to marry an Arab citizen of Israel will only be granted a residence permit after many years of judicial procedures, by which time most people give up waiting.

42. Another insidious development has occurred during the period under review: In August 2002, the Israeli military issued Order No. 510, Amendment No. 84, empowering the military Commander of the West Bank to "assign residence" to Palestinians alleged to cause a threat to security. The military order has reportedly been used twice already, in September 2002 and in May 2003. In both instances, a number of Palestinian civilians were transferred from the West Bank to Gaza Strip for a period of two years of "assigned residence".

43. The humanitarian crisis, emerging from the sharply increasing unemployment and deteriorating economic conditions of the Palestinian people due to the Israeli closure policy, has been further exacerbated by the increasing restrictions imposed on access to international humanitarian agencies, including denial of access to Israel through main border points (Tel Aviv International airport and Allenby Bridge), as well as to the Occupied Palestinian Territory. Between April and June 2003, access to the Gaza Strip was denied or delayed to international citizens, including staff of United Nations agencies, international and Palestinian organizations. In May 2003, borders were closed to all international citizens except diplomatic passport holders for a period of nine days, and it took up to three weeks to enter the Gaza Strip. Attacks on international staff increased during this period. Following the killing of an international UNICEF staff in December 2002, three members of an international peace movement were killed or wounded in March and April 2003 by Israeli forces.

C. Right to an adequate standard of living, including adequate food, clothing and housing

44. After a period of relative calm, Israeli forces have re-engaged in a campaign of destruction of houses and property. After the outbreak of the second Intifada, they intensified bombing of civilian areas in the West Bank and Gaza Strip, causing damage to homes, schools, churches, mosques and public or private property. Israeli jets attacked Palestinian security centres, causing severe damage to them and neighbouring residential buildings. A mosque built the previous year was destroyed on 5 February 2003.

45. In addition, the Israeli Attorney-General issued an order on 2 August 2002, decreeing not only the exile of relatives of the Palestinians who have committed suicide bomb attacks or armed attacks against occupying forces and settlers within the Occupied Palestinian Territory, but also the demolition of their homes. During

the reporting period, 241 houses were destroyed in such operations in the Occupied Palestinian Territory, 188 in the West Bank and 53 in the Gaza Strip. During the whole Intifada period, it is estimated that some 3,000 houses were destroyed in the Occupied Palestinian Territory, while 12,000 others were severely damaged. In Gaza alone, 637 houses were demolished during this period, leaving at least 6000 Palestinians homeless. An additional 134 commercial properties were destroyed, including factories and shops. Destruction of infrastructure also continued, damaging roads, water resources, electricity, sewage and communication networks.

46. Many witnesses highlighted the fact that such actions were perceived by Palestinians as various forms of collective punishment violating several provisions of the Geneva Convention (in particular articles 33, 53 and 147). It is not during combat that many houses are destroyed. Rather, when Israeli forces feel that Palestinians are in their way, they force inhabitants to leave their homes and use bulldozers to raze their houses in a context which has little to do with terrorism.

47. In another development, Israeli forces destroyed 42 small workshops with 5 or 6 employees each, using helicopters or aircraft, alleging that they belonged to terrorist groups and produced weapons. In the area of Rafah alone, close to the Egyptian border, 600 houses have been demolished since the second Intifada started. None of these houses were illegally built or belonged to people identified as having caused harm to Israeli.

48. During the year under review, the Israeli demolition policy, based upon the Keren Kayemeth L'Israel Law of 1954, which regulates zoning and land use both in Israel and in the Occupied Palestinian Territory, targeted Palestinian properties in Israel, including places of worship. An entire neighbourhood of 17 houses in Kofur Kasm was destroyed and numerous destructions occurred in Lydda and Ramle. On 5 February 2003 in the Neghev region on the eve of a Muslim holiday, a mosque built a few months ago was destroyed in Tel-eel-Malach. On 4 March 2003, the entire wheat crop of three villages by Ovdat was sprayed with herbicides from air, which contaminated the children playing in the field.

49. Moreover, 70,000 Palestinian residents (with Israeli citizenship) of "unrecognized" villages, illegally built due to the numerous administrative impediments hampering a normal building process or the lack of any government planning, were faced with the threat of expulsion from and destruction of their homes.

50. The move to concentrate the remaining rural Bedouins in the eastern Neguev in the area of Seyag and to force them to settle in seven existing cities and seven new ones is part of a six-year Sharon Plan for the Bedouins adopted by the Government in March 2003. This policy was elaborated without consulting the nomadic community, which resents being transferred into a poor urban environment, and the policy has allowed, inter alia, the use of law enforcement for the demolition of houses and the destruction of fields.

D. Right to just and favourable conditions of work

51. After 27 months of Intifada, all Palestinian economic indicators show a persistent decline. Gross national income per capita is today nearly half what it was in 2000. More than 50 per cent of the Palestinian workforce is unemployed; 60 per

cent of the population in the West Bank and the Gaza Strip live under the poverty line of US$ 2 per day.[5] The number of the poor has tripled from 637,000 in September 2000 to nearly 2 million today. Between June 2000 and June 2002, Palestinian exports declined by almost a half and imports by a third. Investment shrunk from an estimated US$ 1.5 million in 1999 to only US$ 1.40 million in 2002. Physical damage resulting from the conflict amounted to US$ 728 million by the end of August 2002, and overall national income losses just over two years reached US$ 5.4 billion.

52. In September 2000, about 128,000 Palestinians were working in Israel and the Israeli settlements. The number of work permits delivered by Israel declined sharply with the outbreak of the Intifada. Only 32,000 were issued by the end of 2002 and only about half of those were used effectively by the workers since they had great difficulty moving from the West Bank and the Gaza Strip to their workplaces. As a result, Palestinian workers were gradually replaced by foreign workers in Israel.

53. Hundreds of farmers lost their income since they were unable to cultivate their fields due to local curfews, road closures and checkpoints. Their lands were also seized by the Israeli forces for military purposes to build the separation wall or to open new Jewish settlements. Witnesses indicated that when Palestinian farmers can cultivate, they are not free to market their crops as they wish. They must do so through Israeli companies, which export Palestinian goods under their name. Industrial properties and companies also suffered severe losses during the reporting period. A sophisticated private industrial plant, producing large quantities of floor tiles, could not honour its orders due to the obstacles met by the owner to come and evaluate the damages caused to his property. The plant was transformed into military barracks, which resulted in many workers losing their jobs.

54. In addition, closures and curfews severely disrupted the transport of goods and raw materials, which are often unavailable or cannot reach production plants. Transporting goods within the Occupied Palestinian Territory, even over short distances, has become increasingly difficult since Palestinian trucks cannot drive from one area to another or enter certain areas. Goods have to be moved in or out of a town/area by transferring them under the supervision of Israeli soldiers from a truck on one side of the checkpoint to a truck on the other side (back-to-back system). When checkpoints are open, drivers often have to wait for hours for their turn. Meanwhile the merchandise, especially perishable goods, such as fruit, vegetables, dairy products and flowers, is spoiled or damaged, making it unsaleable or reducing its value. It is estimated that a quarter of the private GDP declined by some 35 per cent between 1999 and 2002. By the end of 2002, the Palestinian Authority owed private suppliers almost US$ 200 million in unpaid bills.

55. Damages to the Palestinian economy had an impact on Israel, which experienced a 9 per cent decline in GDP per capita between September 2000 and December 2002, a cost estimated by the 2003 World Bank report at between US$ 3 and US$ 3.6 billion.

56. The economic crisis has seriously deteriorated the living conditions of many families, which have endured long periods without work or income. Despite efforts by the Palestinian Authority, donors or NGOs to provide employment and income opportunities, a vast majority of Palestinians now depend on food aid for their survival.

E. Right to education

57. According to UNICEF statistics dated June 2003, since the outbreak of the second Intifada, 498 schools have been disrupted and closed because of curfews, sieges and closures. Nine schools have been completely closed, three of which have been converted to Israeli military bases, and 269 school buildings have been damaged as a result of shelling and shooting. No less than 275 schools are situated close to flashpoints.

58. Since September 2002, children and students from kindergarten to university level have been prevented from attending classes in most areas for about half of the total school days due to closures and curfews. Some universities have been permanently closed by the Israeli army. The current reduction in access to education carry long-term effects on the educational development of children, youth and students concerned.

59. Since June 2002, the reunification of Israeli-Palestinian families has been suspended, and hence the registration of children born abroad to one Israeli and one Palestinian non-resident parent. As of December 2002, the suspension also applies to children born in Israel or East Jerusalem and registered in the Palestinian Population Registry. These children, whose parents do not enjoy a residence permit, are thus not registered in the Israeli Population Registry and cannot attend Israeli schools. They may become the target of abuses by the Israeli forces when roaming the streets. Next year, 10,000 children will reportedly need school premises in Jerusalem.

60. School closures, loss of employment and economic pressures have contributed to the increasing child labour, especially those under 15 years. Between 2001 and 2002, the phenomenon of working children has been on the increase, although it has not yet been measured precisely. Children are working in dangerous environments, around checkpoints, in factories, in family businesses, in the fields and on the street. Despite a relatively strict employment law, the police, social services and education department lack sufficient resources to implement it. A number of child workers support entire families, including other siblings from starvation.

F. Right to health

61. The dramatic decline in the standard of living among Palestinians in the Occupied Palestinian Territory has increased malnutrition and a worsening of health conditions, as more people develop illnesses or do not receive adequate medical treatment. According to UNICEF statistics dated June 2003, 38 per cent of Palestinian mothers reported that access to health services was getting more difficult and 65 per cent of them that the quality of their food had changed for the worse.

62. A witness indicated that from the beginning of the Intifada until September 2002, the Palestinian Ministry of Health registered over 200 attacks by Israeli forces on hospitals and 240 attacks on ambulances that destroyed 34 vehicles. During these incidents, 18 medical personnel were killed and 370 were injured. During the same period, 650 patients, some in desperate need of medical treatment, were delayed from receiving treatment due to closures and blockades. Another witness reported on the telephone that on 14 June 2003, 14 ambulances transporting 80 seriously ill patients were waiting at the Egyptian border and only two were allowed to cross the

border. A sharp increase was observed in the number of births in ambulances or at home, causing distress and complications to mothers; of 52 children born at checkpoints, 27 died.

63. After the March/April 2002 invasion of the Occupied Palestinian Territory by Israeli forces, routine medical care, such as vaccination and check-ups, drastically diminished. About half a million children were not vaccinated at that time. This period coincided as well with military attacks on water cisterns and pipelines, exacerbating existing shortfalls in Palestinian water supplies and leaving many towns and villages of the West Bank without water for prolonged periods. In addition, curfews and difficulties in transporting water through checkpoints made it too expensive for villagers, who turned to non-purified water sources, such as wells and rivers. Their exposure to water-borne diseases and epidemics hence rose sharply. The villages of Beit Dajan, Beit Fureek, Til, Sura, Bureen, Arak, outside Nablus, as well as 25 other villages in Tubas, Jenin, Nablus and Salfeet districts, were particularly affected. It was also recorded that 38 per cent of Palestinian children, aged 6 months to 5 years, were anaemic, and that 43 per cent of Palestinian women requested psychosocial support. A study by the Gaza community mental health programme in April 2003 indicates that over 60 per cent of children witnessed a death or injury of a family member and over 80 per cent witnessed shootings. Nearly a third of the sampled 344 children suffered from acute post-traumatic stress disorder, requiring immediate intervention, and about half of them suffered from moderate stress disorder manifestations.

G. Right to liberty and security of person

64. Operation Defensive Shield carried out by the Israeli forces from March to May 2002 in the Occupied Palestinian Territory was followed by Operation Determined Path in June 2002, which led to the reoccupation of seven major cities in the West Bank and nearby refugee camps and villages. Curfews imposed on Jenin, Qalqiliya, Bethlehem, Nablus, Tulkarem, Ramallah and Hebron subjected over 700,000 persons to a regime similar to house arrest, confining them to their homes in varying periods of time. In September 2002, 688,000 Palestinians in 39 towns, villages and refugee camps in the West Bank were confined to their homes under curfew in a similar manner (see E/CN.4/2003/30, para. 12). The Israeli forces continued their reoccupation of the West Bank cities (except Jericho) and the Gaza Strip through the close of 2002 and the first half of 2003.

65. During this period, the Israeli forces continued to operate large-scale arrest campaigns throughout the Occupied Palestinian Territory. Approximately 5,200 Palestinians are currently detained and about 800-1,200 of them are being held without charges under military administrative orders that are renewable indefinitely. Several witnesses reported their concern over the severely deteriorating detention conditions affecting Palestinian detainees. They live in overcrowded cells, sometimes under tents, without proper food and ventilation, and prisoners often have to buy their own food. Sanitation and medical facilities are grossly inadequate, especially for ill, handicapped or injured detainees.

66. Many detainees are held in solitary confinement. Due to a new law that came into force recently, advocates are no longer allowed access to detainees. Family visits remain scarce and problematic. On 27 June 2003, a number of detainees went

on hunger strikes to protest against harsh detention conditions in several prisons. One witness mentioned that detainees were not always allowed to practice their faith and that in a number of instances, Korans had been confiscated. The International Committee of the Red Cross has only partly resumed its visits, namely, to the Jerusalem and Ramallah detention centres. A number of detainees are held incommunicado in unregistered places of detention.

67. Witnesses emphasized that males aged 12 to 45 years can be arbitrarily arrested and taken away to military camps or detention centres, after which they are beaten up, humiliated in public and forced to walk naked in the streets. Many children and adolescents are arrested in the street or at checkpoints when throwing stones at the military. They are taken away blindfold and handcuffed, without any possibility to inform their families. They are submitted to long interrogation and sentenced to months of confinement. While in detention, they are held with adults and undergo similar degrading and cruel treatments. Such ill treatments include beatings, sleep deprivation and shackling to small chairs. In June 2003, 75 women and girls were submitted to the same harsh detention conditions. They are held in the same prisons with male prisoners and are often held by male jail guards. Approximately 1,400 children were arrested by Israeli authorities during the second Intifada, of whom about 320 remained in detention.

H. Rights to freedom of opinion and of association

68. Several witnesses reported that Israeli military forces continued their attacks against media institutions and journalists. On 24 June 2002, Israeli forces took over the Ministry of Information and Culture building in Ramallah, as well as the offices and facilities of Arrwaj and Al-Istiglal local television station. Israeli forces withdrew from the building on 15 August, leaving behind extensive damage to equipment. Broadcasts stopped throughout the period. In March 2003, Israeli troops took control of five local Arab and international television stations, local Watan TV, the Reuters news agency and the Associated Press.

69. During the period under review, about 10 journalists were killed by the Israeli forces, while carrying out their work. The Special Committee was shown a videotape relating to the assassination by bleeding to death of a cameraman of Palestine TV in Nablus, who received a bullet through the head while covering incidents in the city on 19 April 2003. According to certain sources, up to 211 incidents occurred in 2002 and 39 others between January and May 2003, the majority of which involved injuries, arrests, detentions, verbal abuse and physical assault, and the appropriation or destruction of TV, radio and press centres, as well as confiscation of equipments.

70. On the part of human rights defenders, following a statement by the Israeli Minister of Foreign Affairs, on 21 May 2003, stating that "most human rights offices in the West Bank and Gaza Strip provide shelters for Palestinian terrorists", a number of international NGOs, such as Amnesty International, the Euro-Mediterranean Network for Human Rights, Human Rights Watch, the International Commission of Jurists, the International Federation for Human Rights and the World Organization Against Torture, expressed in a press release dated 27 May 2003, their deep concern over the increase of Israeli restrictions on the activities and threats to personal safety of local and international human rights defenders, humanitarian

workers or peace activists. These persons were said to be increasingly under arrest and deportation or deprived of entry into Israel or the Gaza Strip.

I. Right to life

71. Several witnesses indicated that during the whole period of Intifada, about 2,210 Palestinian civilians, including 422 children, had been killed by the Israeli military forces and 24,000 others injured. According to the Palestinian Centre for Human Rights, between 1 July 2002 and 30 June 2003 696 civilians were killed in the Occupied Palestinian Territory (413 in the Gaza Strip and 283 in the West Bank); 152 children and youth were killed in the Occupied Palestinian Territory during the same period, out of a total of 540 since the second Intifada started (448 Palestinian and 92 Israeli children).

72. The use of excessive and disproportionate force continued against the civilian population, including the use of weaponry used in full combat situation, in particular missile arrows fired from tanks, which are strictly forbidden by international law.

73. In addition, assassinations multiplied during the period under review: 62 attacks were conducted by the Israeli forces in the Occupied Palestinian Territory (38 in the West Bank and 24 in the Gaza Strip), killing 81 targeted individuals and 69 non-targeted civilians; 384 other Palestinians were injured during these attacks, which are often carried out in residential or commercial areas against moving vehicles in daytime, using aerial bombardment.

74. Impunity for violations of international human rights and humanitarian law perpetrated by the Israeli forces or settlers has continued under the period under review. Although every citizen in Israel or advocates representing interests of Palestinians have due access to the Supreme Court, years of procedures are necessary before specific cases are examined. A witness indicated that he informed the Court of a number of cases of soldiers who had committed war crimes. The Supreme Court was aware of these cases but did not take any decision. No actions were pursued against the soldiers and no compensation measures were adopted on behalf of the victims or their families.

75. According to recent statements made by the Israeli Military Attorney-General, since the outbreak of the second Intifada indictments against Israeli military personnel had been issued in only six cases in which Palestinians had been killed. The High Court consistently rejected petitions submitted regarding the use of flechette tank shells or failed to issue injunctions with a view to halting the policies of human shields and assassinations, pending conclusions of the High Court petitions challenging these policies.

V. Situation of human rights in the occupied Syrian Arab Golan

76. During its visit to Damascus, the Special Committee received from the Director of the International Organizations Department of the Ministry of Foreign Affairs of the Syrian Arab Republic a statement which is available for consultation (some extracts are reproduced in annex II). The Special Committee also received from the government of Quneitra a report entitled "Report on Al-Kuneitra Province

of the Israeli practices against human rights in the Occupied Syrian Golan for 2003", which is also available for consultation.

A. Background

77. As has been observed in previous reports of the Special Committee, the Golan has been occupied since 1967. On 14 December 1981, Israel decided to impose its laws, jurisdiction and administration on the occupied Golan, which was in effect an annexation of the territory. On 17 December 1981, in its resolution 497 (1981), the Security Council considered the annexation null and void.

78. In its resolution 53/57, the General Assembly decided that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purported to alter the character and legal status of the occupied Syrian Golan were null and void, constituted a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and had no legal effect. The annexation also has not been accepted or recognized by the Arab population of the Golan. Thus, the annexation has never been recognized by the United Nations.

B. Significant deterioration of the situation of human rights

79. Syrian government officials, including the Governor of Quneitra, with whom the Committee consulted, emphasized that the situation of human rights in the occupied Syrian Golan has further deteriorated during the period under review. Israel is pursuing its policy of occupation: more than 40 Syrian villages have been destroyed while 44 Jewish settlements with a population of 20,000-22,000 had been established.

80. The Israeli Government is offering compensation and favourable loans to encourage up to 10,000 additional settlers and migrants from the former Soviet Union, fleeing economic stagnation of the Occupied Palestinian Territory, to settle in the occupied Syrian Arab Golan during the next 10 years. With a view to curtailing current peace efforts and counteracting any potential withdrawal by the Israeli Government from the occupied Golan, the Knesset is examining a new draft law stipulating that any concession of the Golan would require a majority of 61 votes.

81. During the period under review, the Israeli authorities confiscated a large portion of land in the occupied Golan. Cultivated areas contracted from 50,000 to 20,000 dunums. Syrian farmers lost the entire production of peach and apple fields. The land confiscated was either mined or transformed into military zones or training areas. As in the Occupied Palestinian Territory, villagers are prevented from exploiting their own water resources or are denied the opportunity to exploit the water resources of Massadeb Lake. These water resources are transported for the benefit of the Jewish settlements established in the occupied Golan.

82. Syrian villagers are then compelled to buy allocated water supplies at higher prices than the Jewish settlers. Moreover, the quantity of water made available to them, one tenth of the allocation granted to the Jewish settlers, does not meet their daily needs. During its visit to the ghost city of Quneitra, which before its

destruction by Israeli forces counted about 150,000 inhabitants, the Special Committee was shown a chart showing the network of water resources in the occupied Golan and hence the strategic importance of the area.

83. Life is becoming increasingly difficult for the 500,000 Syrian Arabs, many of whom are refugees from the occupied Golan, now residing on one third of the lands in Syria's possession and for the approximately 50,000 Syrian Arabs who are living in the occupied Golan. Along with the economic crisis affecting the area and the lack of employment opportunities, the three witnesses who appeared before the Special Committee confirmed the deteriorating level of education in the occupied Golan since qualified teachers or professors are denied access to the school system in the occupied Golan. They stated that the policy of enforcement of Hebrew school books and distortion of history at the expense of the Arab population in the school system of occupied Golan continued as one of the means used to lower the morale of the population and the children or youth. An entire generation of adolescents was being destroyed by drug addiction and videogames. Those who refuse to serve in the Israeli army are imprisoned, but not on the pretext of conscientious objection. Young Syrian graduates of Damascus willing to return to Golan have only limited access to job opportunities. If they visit their families once a year in the Syrian Golan during their studies, they are no longer allowed to leave once they return.

84. For the first time, several checkpoints have been set up on the border separating Syria from the occupied Syrian Golan. This move is perceived by the Syrians as a provocative measure since there is hardly any population movement from both sides of the borders.

85. The health condition of the Syrian Golan population remains difficult due to the acute shortage of health centres and medical clinics, which are totally lacking even in the main villages of the area. For even minor surgical operations, inhabitants must go to such parts of the Occupied Palestinian Territory as Nazareth, Safad or Jerusalem.

86. Two weeks before the visit of the Special Committee, a public demonstration was launched by the Arab population of the occupied Golan with a view to expressing its rejection of Israeli occupation, its identity card and the school system imposed on it.

VI. Conclusions and recommendations

A. Conclusions

87. **The Special Committee notes a significant deterioration of the human rights in the Occupied Palestinian Territory and the occupied Golan. Most witnesses who appeared before the Committee spent hours travelling through side roads, waiting to cross numerous checkpoints and waited again long hours to cross the border to Cairo, Amman or Damascus. A number of witnesses were simply not able to appear before the Committee.**

88. **The increased military occupation of the Occupied Palestinian Territory and the occupied Golan as well as related local curfews, road closures and the multiplication of checkpoints make the daily life of Palestinians and other**

Arabs simply unbearable and leads to the asphyxia of a whole people, of its economy and culture.

89. The legitimate security argument used by the Israelis cannot overlook the fact that many human rights are being ignored in non-combat situations and in a manner which does not respect the provisions of the Fourth Geneva Convention.

90. The construction of a separation wall by the Israelis, which is being accelerated by all means, is perceived by the Palestinians as an annexation of their richest homelands and as an attempt to disrupt the territorial integrity and contiguity of Palestine, already seriously affected by the Jewish settlements spread throughout Palestine.

91. Another matter of concern for the Special Committee is the more and increasingly evident policy of the Israelis to control access to and use of water in the Occupied Palestinian Territory and the occupied Golan at the expense of Palestinians and other Arabs living in these areas. The Committee is of the view that no peaceful settlement in the region will be possible without a proper sharing of this most strategic resource.

92. The Special Committee notes that the road map launched just a few days before its arrival in the region no doubt raised hopes but also many doubts regarding the real will and capacity of parties concerned to implement it. The Committee can only express its fervent hopes that the fragile truce agreed upon by major Palestinian armed groups will lead to more confidence-building measures and to a kind of prelude to peace, leaving room for negotiations on matters of substance between neighbours which have more to gain from agreeing upon a commonly accepted modus vivendi.

93. However, most representatives of United Nations bodies interviewed by the Special Committee, both in Geneva and during its field mission, emphasized that the Occupied Palestinian Territory and the Gaza Strip are on the verge of a major humanitarian collapse, with 60 per cent of the Palestinians living below the poverty line, the inability of the people to go to work and earn their living and their sharply increased dependency on foreign food assistance and other basic facilities. Unfortunately, due to the outbreak of another conflict in the region, international financial resources are becoming scarce, the crisis in the Occupied Palestinian Territory, the Gaza Strip and the occupied Golan are not receiving the level of attention they received in the recent past.

94. The Committee can see that the economic disaster affecting the Occupied Palestinian Territory and the Gaza Strip will sooner or later spill into Israel and hamper its own development.

95. Many witnesses led the Special Committee to understand that the Palestinians and other Arabs have seen their living conditions as coming close to those prevailing in a prison, and school attendance by children has become increasingly hazardous and dangerous. Ordinary citizens are deprived of access to basic health facilities, while ill or injured patients suffer long delays before getting an appropriate treatment in hospitals. When admitted to universities, students are often deprived of the opportunity of passing their exams at the cost of redoing all the courses of previous years.

96. **The Special Committee questions these assaults against the vital forces of a future nation as well as the level of unprecedented destruction of houses, private property and public buildings, places of worship and the confiscation or destruction of large portions of Palestine crop fields. It also questions the large number of Palestinians still detained, the majority of them under administrative detention. Last but not least, it questions the tragic toll of lives lost during the second intifada and of those injured or handicapped.**

97. **Throughout the years of occupation, Israeli authorities have put in place a comprehensive and elaborate system of laws and regulations or administrative measures that affect all aspects of lives of the Palestinians and Syrians in the occupied territories. The laws and regulations are framed so that they vest in officials a considerable degree of authority and latitude over the lives of the people concerned. According to the Special Committee, the way those severe controls have been enforced by the Israeli authorities remains totally inconsistent with human rights obligations and constitutes a breach of a number of provisions of the Fourth Geneva Convention.**

98. **As already indicated in the Special Committee's report of 2002, the human rights of the Palestinians are ignored and violated. Witnesses met by the Committee felt that it is of paramount urgency to redress the human rights situation in the occupied territories and to provide enough space and attention in the road map process with a view to duly attending those concerns. The Special Committee reiterates its regret for the lack of cooperation shown by the Israeli authorities, which resulted, inter alia, in its inability to visit the Occupied Palestinian Territory.**

B. Recommendations

99. **The Special Committee reiterates the recommendations made in its previous reports to the General Assembly.**

100. **In particular, in view of the gravity of the situation described above, the Committee believes that the time has come for it to be allowed by the Israeli authorities to obtain access to the occupied territories and witness for itself the current situation of human rights, as well as to ascertain the views of the Government of Israel on these issues. The Special Committee, inter alia, recommends:**

(a) To the Government of Israel:

(i) To pursue its efforts in relation to the implementation of the road map, including especially the withdrawal of its military presence within the Occupied Palestinian Territory and the occupied Golan;

(ii) To recognize the de jure and de facto applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory and to distinguish in all circumstances between military objectives and civilian persons and objects;

(iii) To ensure respect for the principle of appropriate use of means and methods employed in warfare;

(iv) To lift local curfews, road closures and checkpoints and allow free access to schools, hospitals and places of work;

(v) To allow the majority of Palestinian workers to resume their jobs in Israel;

(vi) To stop mass arrests and arbitrary detentions and persist in the initial measures recently taken to free more than 300 detainees; to release all administrative detainees, including those detainees who have not committed serious crimes, such as murder; to guarantee those arrested detention conditions in accordance with the International Convention against Torture and with the Fourth Geneva Convention;

(vii) To refrain from pursuing the erection of a separation or security wall between Israel and the Occupied Palestinian Territory, the long-lasting effects of which are not compatible with a just and sustainable peace between Israel, the state-to-be of Palestine and the Syrian Arab Republic;

(viii) To stop its policy of the destruction of houses and property, and its policies concerning Jewish settlements and the confiscation of large portions of Palestinian land, ruining their territorial integrity;

(ix) To implement the recommendations of all United Nations bodies, including the Committee against Torture and the Committee on Economic, Social and Cultural Rights;

(b) To the Palestinian Authority:

(i) To pursue its efforts in relation to the implementation of the road map, in particular to exert control over Palestinian armed groups in such a way that they refrain from any act of violence, such as suicide-bombing or bomb-throwing against civilians or Israeli targets;

(ii) To arrest and bring to justice, in accordance with international standards, those responsible for planning or participating in attacks against Israeli civilians;

(iii) To fully apply the provisions of the Fourth Geneva Convention as they apply in the Occupied Palestinian Territory;

(c) To the General Assembly:

(i) To request the High Contracting Parties to the Fourth Geneva Convention to take concrete measures in respect of their obligations to ensure Israel's respect for the Convention;

(ii) To encourage the creation of a mechanism allowing a full investigation into alleged breaches of international human rights and humanitarian law, that would be independent of all parties concerned but would be conducted with their full cooperation;

(iii) To implement all signed agreements and domestic legislations that are contingent upon Israel's compliance with international human rights standards.

Notes

[1] United Nations, *Treaty Series*, vol. 75, No. 973.

[2] Ibid., No. 972.

[3] Ibid., vol. 249, No. 3511.

[4] Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

[5] See World Bank, "Twenty-seven months of Intifada, closures and the Palestinian economic crisis: an assessment" (Washington, D.C., May 2003).

Annex I

Non-governmental organizations that testified before the Special Committee during its field mission in 2003

Adalah: The Legal Centre for Arab Minority Rights

Ad-Dameer Prisoners Support Association (Jerusalem)

Al Dameer Association for Human Rights (Gaza)

Al-Haq (Ramallah)

Al-Mezan Centre for Human Rights (Gaza)

B'Tselem, The Israeli Information Centre for Human Rights in the Occupied Territories (West Bank)

Democracy and Workers Rights Centre, Ramallah Environment (Jerusalem)

Friends of Political Prisoners and Detainees (Nazareth)

Hamoked Centre for the Defence of the Individual (Jerusalem)

Hussam Association

Israeli Committee Against House Demolition (Jerusalem)

Jerusalem Centre for Human Rights

Jerusalem Centre for Legal Aid and Human Rights (Ramallah)

Jerusalem Centre for Social and Economic Rights (Jerusalem)

Law Society (Jerusalem)

Mandela Institute for Human Rights, West Bank (Ramallah)

Palestinian Agricultural Relief Committee (Jerusalem)

Palestinian Centre for Human Rights (Gaza)

Palestinian Human Rights Monitoring Group (Jerusalem)

Physicians for Human Rights (Tel Aviv)

Public Committee against Torture in Israel (Jerusalem)

Solidarity International for Human Rights (Nablus)

Annex II

Statement presented to the Special Committee on 20 June 2003 by the Ministry of Foreign Affairs of the Syrian Arab Republic

I have the pleasure to welcome you and the officials of the United Nations accompanying you, and to express, once again, our deep gratitude for the visit you are making to our country in furtherance of the noble international mission of investigating Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories that was entrusted to you by the General Assembly by its resolution 2443 (XXIII) of 19 December 1968.

We attach great value to the endeavours made by your distinguished Committee over the past 35 years, as captured in its objective reports submitted to the General Assembly. These reports have all won the esteem and support of the majority of States Members of the United Nations and have shown the international community the truth about the inhuman practices of the Israeli occupation authorities against our people in the occupied Syrian Golan.

Throughout the 35 years of suffering endured by our Syrian Arab people in the occupied Syrian Golan, the Government of the Syrian Arab Republic has spared no effort to provide the distinguished Committee, from its inception to the present day, with the facilities and documentary information it needs to accomplish its mandate.

We declare our willingness to continue our cooperation and our full support for General Assembly resolution 2443 (XXIII), until such time as the occupation comes to an end. Israel, on the other hand, continues to refuse to comply with the terms of the resolution or to allow your distinguished Committee to fulfil its mandate by paying a visit to the occupied Syrian Arab Golan, where it could see, at first hand, the suffering inflicted on our Syrian Arab people as a result of Israeli practices which grow ever harsher and more arbitrary with the passage of time, providing you and the international community with confirmation of Israel's intention of persisting with its hostile and repressive practices and violations of United Nations resolutions and its lack of seriousness about peace.

In this connection, the Government of the Syrian Arab Republic encourages the distinguished Committee to include mention in its forthcoming report, as with previous reports, of the grave violation which Israel is committing through its rejection of this resolution and the numerous violations it has committed against the Syrian Arab people in all areas of life and which will be reviewed in this year's report.

We regard the information contained in this year's report which we are submitting to your Committee as being a continuation of our previous years' reports, since the situation remains unchanged and, indeed, grows worse with each passing day. The activities of the Israeli occupation authorities are totally incompatible with the hopes and efforts of the international community to establish a just and comprehensive peace in the Middle East, based on United Nations principles and the strict implementation of the letter and spirit of the resolutions concerned with the Arab-Israeli dispute.

What distinguishes this report from its predecessors is the picture it paints of increased suffering in the area and of the escalation of detention campaigns being waged by the Israeli occupation authorities. For example, the number of Syrian Arab prisoners being held in Israeli prisons has grown. Israel has been using economic pressure and the need of Syrian Arab citizens to make a living to squeeze, oppress and economically exhaust these people, particularly following the sharp increase in the number of settlements and settlers in the occupied Syrian Golan. The budget for this area has been raised to absorb the growing numbers of settlers and immigrants from the former Soviet Union who are fleeing from the economic stagnation in the occupied Palestine territory caused by the heroic Palestinian intifada which our Arab people in Palestine are waging. There has been an increasing number of shooting incidents in which Syrian Arab citizens have been injured. Human beings, animals and agricultural land are being affected by the dangers posed by the laying of mines. People trying to maintain contact with their families and their motherland are being subjected to growing harassment, having already been worn down by arbitrary procedures aimed at preventing them from making visits. They have also been hobbled by taxation that worsens their living conditions and limits their capacity to make a living.

The report also refers to the distortion of the area's history and the theft of its antiquities; the attempt to wipe out Syrian Arab identity and replace Arab national educational curricula with Hebrew curricula; the policy of confiscating and eroding holdings of land and of denying fundamental freedoms; and the increase in the number of prisoners and their subjection to torture as part of an obsessive desire on the part of the occupation authorities to concentrate all their resources on stripping the people and the land of the Syrian Arab Golan of their Arab identity. Meanwhile, the morale of our people in the Golan is high and they are becoming more determined and defiant in the face of these repressive practices, affirming their unwillingness to relinquish their land and their motherland, however long the occupation may last.

These practices have continued and indeed, they have escalated, in spite of the peace process that was launched at Madrid in 1991, on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace, and in spite of continuing international efforts to establish peace in the Middle East. This leaves no room for doubt as to Israel's intentions and its lack of seriousness about fulfilling the requirements for the establishment of a just and comprehensive peace in the Middle East in accordance with United Nations resolutions, the principle of land for peace, and the Arab peace initiative adopted at the Arab Summit held in Beirut in 2002.

On more than one occasion, President Bashar al-Asad, the President of the Republic, has stressed the importance of achieving a just and comprehensive peace in the region and of restoring the rights of those entitled to them. As he has said: "The fact that Israel continues to occupy our territory in the Golan is a matter of utmost concern that remains uppermost in our minds. The liberation of our territory is a fundamental aim that figures at the top of our agenda of national priorities. It is just as important to us as the establishment of a just and comprehensive peace, which we endorse, but not at the expense of our land or sovereignty. Land and sovereignty are a question of national dignity which is unassailable and from which there can be no derogation."

The President went on to say: "We long for peace, but we are not willing to renounce our territory, nor will we accept any infringement of our sovereignty. Today and for the foreseeable future, our steadfast people in these territories will be nothing other than Syrian Arabs, because these territories will remain ours and, no matter how long it takes, sooner or later, they will be reunited."

The occupation itself is a flagrant violation of human rights. The Israeli occupation of the Syrian Arab Golan and the other occupied Arab territories must be ended so that the populations there may have their rights and fundamental freedoms under international human rights instruments restored to them.

In conclusion, the Government of the Syrian Arab Republic should like to express its profound appreciation of the cooperation existing with the Special Committee. It reaffirms its willingness to continue that cooperation and to offer the Committee every facility to accomplish its noble mission and draw the attention of international public opinion to the dangers posed to international peace and security by Israeli policy, to the need for the occupation to be brought to an end in order to guarantee the population of the occupied territories the effective and real enjoyment of their human rights, and the need for a just and comprehensive peace in the Middle East region.